

AIR QUALITY DESIGNATIONS FOR THE 2015 OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS)

Background

- **CAA Deadline:** The Clean Air Act (CAA) requires the EPA Administrator to identify areas of the country as meeting or not meeting the 2015 ozone NAAQS by October 1, 2017. This deadline is determined as no later than 2 years after the EPA revised the ozone standards on October 1, 2015. The revised ozone NAAQS was set at a level of 0.070 parts per million.
- **Designation Categories:** The CAA directs the EPA to designate all areas in the country as either attainment (meeting the standard), nonattainment (not meeting the standard), or unclassifiable (cannot be classified based on available information).
- **Deadline Extension:** The EPA is authorized to extend the designations deadline by up to 1 additional year if the EPA determines it has insufficient information to complete the designations in the 2-year time frame.
- **Nonattainment Area Classifications:** Ozone nonattainment areas are also classified at the time of designation according to the severity of their air quality problem based on ozone air quality readings. There are five classification levels ranging from Marginal (lowest) to Extreme (highest). The ozone air quality thresholds for the classification categories are established by a separate rulemaking, which must be finalized by the time EPA issues the final designations.
- **State Designation Recommendations:** The CAA establishes the designation of areas as an interactive process between EPA and states. Tribes may also participate in the process. States, and tribes that wish to do so, were required to submit designation recommendations for their respective areas to the EPA by October 1, 2016. All states except Maryland submitted recommendations; 6 tribes also submitted recommendations.

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Upcoming Milestones:

- Administrator makes preliminary final decisions on designations: no later than May 15, 2017
- Regional Administrators notify states of EPA's preliminary final decisions ("120-day letters"): no later than June 2, 2017
- Public comment period ends: July 10, 2017
- Administrator makes final decisions on designations: September 4, 2017
- Final rulemaking notice signed by Administrator: October 1, 2017

Additional Information:

- **120-day Letters:** EPA Regional Administrators send letters (known as 120-day letters) to the states and tribes notifying them of the EPA's preliminary designation decisions. If the EPA intends to modify any of the state's designation recommendations, it must notify those states no less than 120 days prior to finalizing the designations. For the October 1, 2017 ozone designations deadline, the 120-day notification letters would be issued by June 2, 2017.
- **Responses to 120-day Letters:** States and tribes will have an opportunity to comment on the EPA's intended designations. The planned deadline for states and tribes to submit comments or additional information is August 7, 2017.
- **Public Comment Period:** The EPA has provided a 30-day period for the public (not just states and tribes) to review and comment on the EPA's responses to state and tribal recommendations. [REDACTED]

- **Identifying Nonattainment Areas:** Compliance with the ozone NAAQS is determined by reviewing air quality data from the network of ozone monitors that meet certain minimum regulatory requirements for measurement of ozone and data quality. The NAAQS is met at a monitor location when the 3-year average of the annual 4th highest daily max 8-hour average concentration is no greater than 0.070 ppm. The 3-year monitoring period that EPA is currently evaluating is 2014-2016. These data will be final and available for use in regulatory determinations (such as area designations) no later than May 1, 2017. Based on preliminary 2014-2016 data, we expect approximately 55 areas of the country will not meet the ozone NAAQS and must be designated nonattainment. All but 6 of these areas have previously been designated nonattainment for the 1997 and/or 2008 ozone NAAQS.
- **New Air Quality Data from 2017.** In past designations efforts, the EPA has tried to ensure that the most recently available air quality data is considered. Because the deadline for promulgating the designations is near the end of calendar year 2017, EPA could establish a process for considering any 2017 air quality data that states choose to early certify and submit in sufficient time for EPA to modify designations prior to the effective date of the October 2017 action. .
- **EPA Guidance on Ozone Designations:** In February 2016, the EPA Office of Air and Radiation issued technical guidance for developing designation recommendations. The guidance explains the EPA's weight-of-evidence evaluation process for determining designations and appropriate area boundaries. EPA also issued general guidance on designating areas of Indian country in 2011.
- **Nonattainment Area Boundaries:** An ozone "nonattainment area" is identified by one or more violating monitors and includes both the area around the monitor and the nearby areas having emissions that contribute to the violation(s). For determining nonattainment area boundaries, EPA considers the location and magnitude of emissions of ozone precursors (nitrogen oxides and volatile organic compounds), meteorology, geography/topography and any existing jurisdictional boundaries.
- **Exceptional Events:** In some areas, poor ozone air quality may at times be due to the influence of uncontrollable events, such as wildfires or intrusion of stratospheric ozone into the troposphere. States may petition EPA to discount the ozone readings associated with these exceptional events

through a separate process requiring a state demonstration and EPA's review and concurrence. All such demonstrations must be submitted to EPA for review no later than May 1, 2017.

- **Cross-border Ozone Transport:** The CAA does not contain provisions for adjusting area designations in circumstances where transported emissions from upwind states or areas outside the U.S. contribute to a violation of the ozone NAAQS. In these circumstances, the CAA's ozone NAAQS implementation provisions may provide relief to certain areas from certain attainment planning requirements, but not from a nonattainment designation.